

## **Project Narrative:**

I am a Scottsdale property owner who is working hard to create a backyard for my family. My home is located at 29695 N. 75<sup>th</sup> Place, in the beautiful Foothills area of North Scottsdale. Our home was built deep on our lot of over 2 acres, and it should have never been approved or built in the location that it was. After sitting vacant for three years and being repossessed by the bank, I purchased the home in an “as is” condition. Unfortunately, the home had numerous issues with its construction, such as when I purchased the home it had 66’ between the back of our house and the property line. This resulted in our ability to have a 6’ backyard, due to our having 2 front yard setbacks (60’) since our property abuts to 2 roads.

As a result, I have been working with City Staff, and together we developed a staged plan that would hopefully enable us to reach our goal of having **the security** that a wall over 3 feet (like 6’) provides, due in part to the fact that our house has already had an attempted break-in, **the privacy** since people wave to us as we are sitting at our kitchen table, on our couch or on our beds, and **the enjoyment and livability** of our backyard, no different than that which all our neighbors enjoy.

This staged plan first consisted of seeking an abandonment of 10’ of right of way, which was granted by the City Council with a 7 to 0 vote in favor. This now enables us to have a 16’ backyard.

The next step in our effort was to redirect the NAOS to a more meaningful location, from our backyard to the side yard where the wash exists. Also in connection with this effort we will grant the city a drainage easement where the wash exists. We have begun the paper work to make this second step a reality.

This application for a zoning ordinance variance is the third and hopefully final step in our effort that will then finally enable us after 18 months to begin landscaping our yard. **We are seeking a variance to build a wall greater than 3’ within our front yard setback for the purpose of having a backyard for family enjoyment with a pool, patio, play area, etc...** This will enable our family to improve our situation by allowing us property rights that are more in line with (but still quite a bit less than) what every single one of our neighbors currently enjoys.

## **Justification For Variance:**

1. **Special circumstances/conditions exist which do not apply to other properties in the district:**

From Dixileta to Dynamite & Scottsdale Road to Pima, there are approximately 301 parcels of which 113 are unimproved, every one of the remaining 183 lots have homes with significant backyards except for 2 churches, 1 yard that can not be ascertained, 1 small yard, and me (see Exhibit A). In addition, we are the only home that has 2 front yard setbacks (60’) and a large wash on the north side that

essentially eliminates the ability to have a backyard (see Exhibit B). As a result of all of the foregoing our home is the only home in the entire area that has insufficient space for a backyard (now it is 16'), and the home should have never been situated on or approved for building the lot the way it was.

2. **Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:**

Our neighborhood consists of homes ranging from 4,000 to 5,100 square feet, with each sitting on more than an acre of land. Each home has a backyard of at least a minimum of 80' in depth, but some with as much as 146', but all include a pool, grass/play area, barbeque, etc... Our 16' of backyard (which is smaller than many patio home backyards) does not enable the same use and enjoyments as do our neighbors have. In addition, our property rights are significantly and negatively impacted by our current situation.

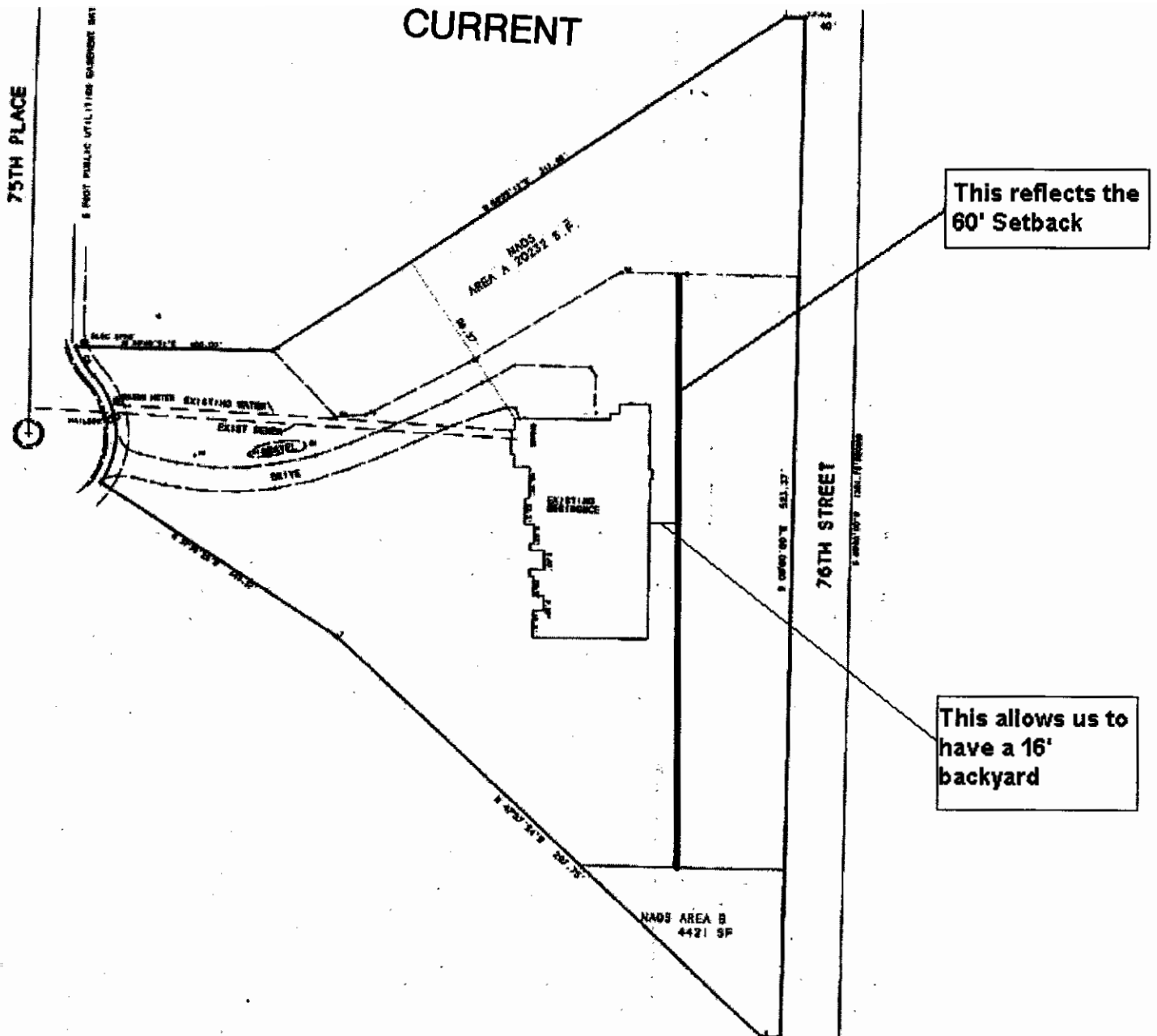
3. **Special circumstances were not created by the owner or applicant:**

The need for this variance arises solely from the location on the lot in which the home was approved and built; quite simply the home should have never been built so deep on the lot. All other homes in the community are set back between 50 to 100 feet, our home is set back over 200 feet. We purchased the home (it was sitting vacant for 3 years) from the bank that repossessed the home. It was sold "as is" so the seller made no disclosure of these issues. The way the home was approved and built, it enabled the homeowner to have a 6' backyard, while sitting on more than 2 acres of land.

4. **Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:**

I have met with numbers of neighbors about my effort to get a backyard, and in fact every neighbor immediately adjacent to our home signed a document in support of our efforts. In addition, some neighbors on the periphery were initially interested in our effort and once they came to my home, these neighbors all became outspoken proponents of our efforts. Our effort will not negatively impact horse owners, a couple of neighbors (some of whom became outspoken proponents) wanted at least a 15' space between my wall and the horse trail, and if you grant this variance the horse trail from its current location will be more than 40' away from the wall I would like to build.

In fact, many neighbors have expressed more concern regarding our not having a yard up to the aesthetics of the neighborhood, than any other concerns.



**PROPOSED**

